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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/510,576	10/08/2004	Angelo Benvenuti	6392/PCT	9286
6858	7590	11/06/2006	EXAMINER	
BREINER & BREINER, L.L.C. P.O. BOX 19290 ALEXANDRIA, VA 22320-0290			KIM, SANG K	
			ART UNIT	PAPER NUMBER
			3654	

DATE MAILED: 11/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/510,576	BENVENUTI ET AL.	
	Examiner	Art Unit	
	SANG KIM	3654	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 45-88 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 45-48, 53-54, 56-57, 58/56, 68-71, 75-79, 81-82, 84-88 is/are rejected.
- 7) ☒ Claim(s) 49-52, 55, 57, 58/57, 59-67, 72-74, 80 and 83 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>10/8/04</u> . | 6) <input type="checkbox"/> Other: _____ |

Information Disclosure Statement

The information disclosure statement filed on 10/8/04 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document (e.g. EP 0622321 A2, 0622231 A3, WO 99/02439 A1); each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.

Claim Objections

Claims 59-62 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim 59 should refer to other claims in the alternative only. See MPEP § 608.01(n). Accordingly, the claims 59-62 have not been further treated on the merits.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 71 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 71 is indefinite and vague because the term "rigid member" and "resilient pressing side members" in claim 71 is a relative term which renders the claim indefinite.

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The term " rigid member " and "resilient pressing side members" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

Because of the indefiniteness, claim 71 cannot be meaningfully treated with respect to the prior art at this time. An absence of an art rejection does not constitute the indication of allowable subject matter.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 45-47, 53, 56, 58/56, 70, 76-79 and 84-85 are rejected under 35 U.S.C. 102(b) as being anticipated by Morizzo, U.S. Patent No. 5257748.

Regarding claims 45, 70, 76-79 and 84-85, Morizzo discloses a rewinding machine comprising: a winding cradle (28, 30); an insertion member 100 to insert a winding core 16 into said winding cradle; an ejector (using 32) to eject a log formed in said winding cradle by causing the log to roll onto an unloading chute (no reference number assigned, near the platform 80); a severing device 66 to sever the web material after the log is ejected from said winding cradle; wherein disposed along the unloading chute is an aperture (near 62) elongated in a direction transverse to a direction in which

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the log is unloaded along said unloading chute; and said severing device 66 comprises a moveable element 66 to cause severing of the web material between the winding cradle and the log of wound web material, see figures 1-5.

Regarding claims 46-47, as stated above, Morizzo discloses an aperture (no reference number assigned, near the ramp 80) along the unloading chute 80 with the severing device 66 inserted into the aperture with a blade 62 and an anvil 64, see figures 2-5.

Regarding claim 53, as stated above, Morizzo discloses the movable element 66 is carried by a pair of oscillating arms 68, see figures 1-5.

Regarding claim 56 and 58/56, as stated above, Morizzo discloses an insertion surface (no reference number assigned, near 100 where the core rolls) and the insertion member 100 being constructed and arranged to push the winding core (using the 102 portion) along said insertion surface towards the winding cradle, see figure 1.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 48, 54 and 75 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morizzo, U.S. Patent No. 5257748.

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Regarding claim 48, as stated above, Morizzo discloses the blade, but does not elaborate on what type of blade is being used.

Serrated blades are notoriously old and well known for severing the web of all kinds. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use a serrated blade to ensure that the web is being cut when the blade is used.

Regarding claims 54 and 75, as stated above, Morizzo discloses the pair of oscillating arms 68 supporting the moveable element 66, and a separate frame supporting a winding roller 48 with movable axis, see figure 1.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the apparatus of Morizzo to include the winding roller onto the pair of oscillating arms in order to reduce parts and save material costs.

Claims 68-69 and 86-88 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morizzo, U.S. Patent No. 5257748, in view of Nowisch, U.S. Patent No. 4422588.

Regarding claims 68 and 86-88, as stated above, Morizzo discloses the web material but does not explicitly explain whether the web material can be slit into a plurality of webs.

Nowisch discloses the slitter 12 comprises a plurality of cutting knives 15 and 16 cooperating with respective counter blades which would have a plurality of annular channels produced on the roller.

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It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the apparatus of Morizzo to include a plurality of cutters to cut the web material into a plurality of webs as taught by Nowisch in order to produce more than one material of rolled products.

Regarding claim 69, as stated above, the concept of a series of ply-bonding members is inherently known since the web is continuously being fed into the winding apparatus.

Claims 81-82 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morizzo, U.S. Patent No. 5257748, in view of Biagiotti, U.S. Patent No. 6129304.

Regarding claims 81-82, as stated above, Morizzo discloses air nozzles 110, 111 to apply the web against the core.

Biagiotti disclose air nozzles 15, 16 spraying glue onto the core, see column 3, lines 60-65, and see figure 1.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the apparatus of Morizzo to spray glue from the air nozzles as taught by Biagiotti to ensure that the web is being secured to the core.

Allowable Subject Matter

Claims 49-52, 55, 57, 58/57, 63-67, 72-74, 80 and 83 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in

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independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

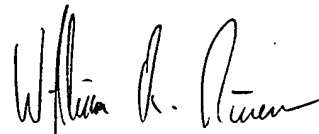
Any inquiry concerning this communication or earlier communications from the examiner should be directed to SANG KIM whose telephone number is 571-272-6947. The examiner can normally be reached Monday through Friday from 8:00 A.M. to 5:30 P.M. alternating Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathy Matecki, can be reached on (571) 272-6951. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SK

10/25/06



**WILLIAM A. RIVERA
PRIMARY EXAMINER**